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**MINIMUM STANDARDS  
FOR JUVENILE FACILITIES**

**TITLE 15 – CRIME PREVENTION AND CORRECTIONS**

**DIVISION 1, CHAPTER 1, SUBCHAPTER 5**

**2003 REGULATIONS**

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## **ARTICLE 1. GENERAL INSTRUCTIONS**

### **Section 1300. Severability.**

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the State Board of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these regulations.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1301. Other Standards and Requirements.**

Nothing contained in the standards and requirements hereby fixed shall be construed to prohibit a city, county, or city and county agency operating a local juvenile facility from adopting standards and requirements governing its own employees and facilities provided such standards and requirements meet or exceed and do not conflict with these standards and requirements. Nor shall these regulations be construed as authority to violate any state fire safety standard, building standard, or applicable statutes.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1302. Definitions.**

The following definitions shall apply:

"Administering medication," as it relates to pharmaceutical management, means the act by which a single dose of medication is given to a patient by licensed health care staff. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

"Alternate means of compliance" means a process for meeting or exceeding the intent of the standards in an innovative way as approved by the Board of Corrections pursuant to an application.

"Appeal hearing" means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised pursuant to the purposes set forth in these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Executive Director of the Board of Corrections or the Board of Corrections.

"Appellant" means a county or city which files a request for an appeal hearing.

"Authorized representative" means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

"Board" means the State Board of Corrections, which acts by and through its executive director, deputy directors, and field representatives.

"Camp" means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which minors made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

"Child supervision staff" means a juvenile facility employee, whose duty is primarily the supervision of minors. Administrative, supervisory, food services, janitorial or other auxiliary staff is not considered child supervision staff.

"Committed" means placed in a jail or juvenile facility pursuant to a court order for a specific period of time, independent of, or in connection with, other sentencing alternatives.

"Contact" means communications, whether verbal or visual, or immediate physical presence.

"Contraband" is any object, writing or substance, the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility, or would interfere with the orderly day-to-day operation of a juvenile facility.

"Control Room" is a continuously staffed secure area within the facility that contains staff responsible for safety, security, emergency response, communication, electronics and movement.

"Court holding facility for minors" means a local detention facility constructed within a court building used for the confinement of minors or minors and adults for the purpose of a court appearance, for a period not to exceed 12 hours.

"Delivering medication," as it relates to pharmaceutical management, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

"Department" means the Department of the Youth Authority.

"Developmentally disabled" means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

"Direct visual observation" means staff must personally see minor's movement and/or skin. Audio/video monitoring may supplement but not substitute for direct visual observation.

"Direct visual supervision" means staff constantly in the presence of the minor. Audio/video monitoring may supplement but not substitute for direct visual supervision.

"Dispensing," as it relates to pharmaceutical management, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist, or other prescriber authorized by law.

"Disposal," as it relates to pharmaceutical management, means the destruction of medication or its return to the manufacturer or supplier.

"Emergency" means a significant disruption of normal facility procedure, policy or operation caused by civil disorder, single incident of mass arrest of juveniles or natural disasters such as flood, fire or earthquake; and which requires immediate action to avert death or injury and to maintain security.

"Executive Director" means the Executive Director of the Board of Corrections.

"Exercise" means an activity that requires physical exertion of the large muscle group.

"Facility administrator" means chief probation officer, sheriff, marshal, chief of police or other official charged by law with administration of the facility.

"Facility manager" means director, superintendent, police or sheriff commander or other person in charge of the day-to-day operation of a facility holding minors.

"Filing date" means the date a request for an appeal hearing is received by the Executive Director of the Board of Corrections.

"504 plan" means a written educational plan developed by a group of educators, administrators, parents and other relevant participants pursuant to Section 504 of the Federal Rehabilitation Act of 1973; Title 29 of the United States Code, Section 794; and Title 34 of the Code of Federal Regulations, Part 104, that addresses the needs of a disabled student, as defined under section 504.

"Furlough" means the conditional or temporary release of a minor from the facility.

"Health administrator" means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health administrator may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When the administrator is other than a physician, final clinical judgments rest with a designated responsible physician.

"Health care" means medical, mental health and dental services.

"Health care clearance" means a non-confidential statement which indicates to child supervision staff that there are no health contraindications to a minor being admitted to a facility and specifies any limitations to full program participation.

"Hearing panel" means a panel comprised of three members of the Board of Corrections who shall be selected by the Chairman at the time an appeal is filed. A fourth member may be designated as alternate. Members designated to the hearing panel shall not be employed by, or citizens of, the county or city submitting an appeal.

"Individual Education Program" (IEP) means a written statement determined in a meeting of the individualized education program team pursuant to Education Code Section 56345.

"Inmate worker" means an adult in a jail or lockup assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.

"Jail" means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."

"Juvenile facility" means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall.

"Juvenile hall" means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.

"Labeling," as it relates to pharmaceutical management, means the act of preparing and affixing an appropriate label to a medication container.

"Law enforcement facility" means a building that contains a Type I Jail or Temporary Holding Facility. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

"Legend drugs" are any drugs defined as "dangerous drugs" under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, "Caution Federal Law Prohibits Dispensing Without a Prescription." The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

"Licensed health care personnel" mean those individuals who are licensed by the State to perform specified functions within a defined scope of practice. This includes but is not limited to the following classifications of personnel: Physician/Psychiatrist, Dentist, Pharmacist, Physician's Assistant, Registered Nurse/Nurse Practitioner/Public Health Nurse, Licensed Vocational Nurse, and Psychiatric Technician.

"Living area" in a juvenile hall shall be a self-contained unit containing locked sleeping rooms, single and double occupancy sleeping rooms, or dormitories, day room space, water closets, wash basins, drinking fountains and showers commensurate to the number of minors housed, not to exceed 30 minors. A living unit shall not be divided by any permanent or temporary barrier that hinders direct access, supervision or immediate intervention or other action if needed.



"Local Health Officer" means that licensed physician who is appointed by the Board of Supervisors pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within his/her jurisdiction.

"Lockup" means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily for the temporary confinement of adults who have recently been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work. Lockups are Type I or Temporary Holding facilities as defined in the "Minimum Standards for Local Detention Facilities."

"Maximum capacity" means the number of minors that can be housed at any one time in a juvenile hall, camp, ranch, home, forestry camp, regional youth education facility or boot camp in accordance with provisions in this subchapter.

"Mental Health Director" means that individual who is designated by contract, written agreement or job description to have administrative responsibility for the mental health program. The health administrator shall work in cooperation with the mental health director to develop and implement mental health policies and procedures.

"Minimum Standards for Local Detention Facilities" means those regulations within Title 15, Division 1, Subchapter 4, Section 1000 et seq. of the California Code of Regulations and Title 24, Part 1, Section 13-102, and Part 2, Section 470A of the California Code of Regulations, as adopted by the Board of Corrections.

"Minor" means a person under 18 years of age and includes those persons whose cases are under the jurisdiction of the adult criminal court.

"New Generation design" means a design concept for detention facilities in which housing cells, dormitories or sleeping rooms are positioned around the perimeter of a common dayroom, forming a housing/living unit. Generally, the majority of services for each housing/living unit (such as dining, medical exam/sick call, programming, school, etc.) occur in specified locations within the unit.

"Non-secure custody" means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

"Notice of decision" means a written statement by the Executive Director of the Board of Corrections which contains the formal decision of the Executive Director of the Board and the reason for that decision.

"On-site health care staff" means licensed, certified or registered health care personnel who provide regularly scheduled health care services at the facility pursuant to a contract, written agreement or job description. It does not extend to emergency medical personnel or other health care personnel who may be on-site to respond to an emergency or an unusual situation.

"Over-the-counter (OTC) drugs," as it relates to pharmaceutical management, are medications which do not require a prescription (non-legend).

"Pilot project" means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a juvenile facility, jail or lockup pursuant to an application to, and approval by, the Board of Corrections.

"Primary responsibility" is the ability of a child supervision staff member to independently supervise one or more minors.

"Procurement," as it relates to pharmaceutical management, means the system for ordering and obtaining medications for facility stock.

"Proposed decision" means a written recommendation from the hearing panel/hearing officer to the full Board of Corrections containing a summary of facts and a recommended decision on an appeal.

"Prostheses" means artificial devices to replace missing body parts or to compensate for defective bodily function. Prostheses are distinguished from slings, crutches, or other similar assistive devices.

"Psychotropic medication" means those drugs whose purpose is to have an effect on the central nervous system to impact behavior or psychiatric symptoms. Psychotropic medications include but are not limited to anti-psychotic, antidepressant, lithium carbonate and anxiolytic drugs, as well as anti-convulsants or any other medication when used to treat psychiatric conditions. Drugs used to reduce the toxic side effects of psychotropic medications are not included.

"Recreation" means activities that occupy the attention and offer the opportunity for relaxation. Such activities may include ping-pong, TV, reading, board games, letter writing.

"Regional facility" means a facility serving two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities and financial obligations of all parties.

"Remodeling" means to alter the facility structure by adding, deleting or moving any of the building's components thereby affecting any of the spaces specified in Title 24, Section 460A.

"Repackaging," as it relates to pharmaceutical management, means transferring medications from the original manufacturers' container to another properly labeled container.

"Request for appeal hearing" means a clear written expression of dissatisfaction about a procedure or action taken, requesting a hearing on the matter, and filed with the Executive Director of the Board of Corrections.

"Responsible physician" means that physician who is appropriately licensed by the State and is designated by contract, written agreement or job description to have responsibility for policy development in medical, dental and mental health matters involving clinical judgments. The responsible physician may also be the health administrator.

"Secure detention" means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object.

"Security glazing" means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

"Shall" is mandatory; "may" is permissive.

"Special purpose juvenile hall" means a county facility used for the temporary confinement of a minor, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.

"Status offender" means a minor alleged or adjudged to be a person described in Section 601 of the Welfare and Institutions Code.

"Storage," as it relates to pharmaceutical management, means the controlled physical environment used for the safekeeping and accounting of medications.

"Supervision in a law enforcement facility" means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

"Supervisory staff" means a staff person whose primary duties may include, but are not limited to, scheduling and evaluating subordinate staff, providing on-the-job training, making recommendations for promotion, hiring and discharge of subordinate staff, recommending disciplinary actions, and overseeing subordinate staff work. Supervisory staff shall not be included in the minor to supervision staff ratio, although some of their duties could include the periodic supervision of minors.

"Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.

"Use of force" means an immediate means of overcoming resistance and controlling the threat of imminent harm to self or others.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1303. Pilot Projects.**

- (a) The Board of Corrections may, upon application of a city, county or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local juvenile facility. An application for a pilot project shall include, at a minimum, the following information:
  - (1) the regulations which the pilot project shall affect;

- (2) any lawsuits brought against the applicant local juvenile facility, pertinent to the proposal;
  - (3) a summary of the "totality of conditions" in the facility or facilities, including but not limited to:
    - (A) program activities, exercise and recreation;
    - (B) adequacy of supervision;
    - (C) types of minors affected; and,
    - (D) classification procedures.
  - (4) a statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary, and why the particular approach was selected;
  - (5) the projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any;
  - (6) a plan for developing and implementing the pilot project including a time line where appropriate; and,
  - (7) a statement of how the overall goal of providing safety to staff and minors shall be achieved.
- (b) The Board of Corrections may consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the applicant's history of compliance/non-compliance with regulations, the completeness of the information provided in the application, and staff recommendations.
  - (c) Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board of Corrections members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.
  - (d) When an application for a pilot project is approved by the Board of Corrections, the Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. The Board of Corrections may extend time limits for pilot projects for good and proper purpose.
  - (e) If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.
  - (f) Pilot project status granted by the Board of Corrections shall not exceed twelve months after its approval date. When deemed to be in the best interest of the applicant, the Board of Corrections may extend the expiration date. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance. The pilot project shall be granted an automatic extension of time to operate the project pending the Board of Corrections consideration of an alternate means of compliance.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996; Section 15376, Government Code.

#### **Section 1304. Alternate Means of Compliance.**

- (a) An alternate means of compliance is the long-term method used by a local juvenile facility/system, approved by the Board of Corrections, to encourage responsible innovation and creativity in the operation of California's local juvenile facilities. The Board of Corrections may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations either after the pilot project process has been successfully evaluated or upon direct application to the Board of Corrections. The city, county, or city and county shall present the completed application to the Board of Corrections no later than 30 days prior to the expiration of its pilot project, if needed.
- (b) Applications for alternate means of compliance shall meet the spirit and intent of improving facility management, shall be equal to, or exceed the intent of, existing standard(s), and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:
  - (1) any lawsuits brought against the applicant local facility, pertinent to the proposal;
  - (2) a summary of the "totality of conditions" in the facility or facilities, including but not limited to:
    - (A) program activities, exercise and recreation;
    - (B) adequacy of supervision;
    - (C) types of minors affected; and,
    - (D) classification procedures.
  - (3) a statement of the problem the alternate means of compliance is intended to solve, how the alternative shall contribute to a solution of the problem and why it is considered an effective solution;
  - (4) the projected costs of the alternative and projected cost savings to the city, county, or city and county, if any;
  - (5) a plan for developing and implementing the alternative including a time line where appropriate; and,
  - (6) a statement of how the overall goal of providing safety to staff and minors was or would be achieved during the pilot project evaluation phase.
- (c) The Board of Corrections may consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the applicant's history of compliance/non-compliance with regulations, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, if applicable and staff recommendations.
- (d) Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board of Corrections members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the

Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.

- (e) When an application for an alternate means of compliance is approved by the Board of Corrections, the Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. Regular progress reports and evaluative data as to the success of the alternate means of compliance shall be submitted by the applicant. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.
- (f) The Board of Corrections may revise the minimum standards during the next biennial review based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996: Section 15376, Government Code.

## **ARTICLE 2. APPLICATION OF STANDARDS AND INSPECTIONS**

### **Section 1310. Applicability of Standards.**

All standards and requirements contained herein shall apply to any county, city and county, or joint juvenile facility that is used for the confinement of minors.

- (a) Juvenile halls, juvenile homes, camps, ranches, forestry camps and boot camps shall comply with all regulations.
- (b) Special purpose juvenile halls shall comply with all regulations except the following:
  - 1322(c) Child Supervision Staff Orientation and Training
  - 1370 School Program
  - 1415 Health Education
  - 1464 Food Services Manager
  - 1481 Special Clothing
  - 1488 Hair Care Services

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996

### **Section 1311. Emergency Suspension of Standards or Requirements.**

Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of a local juvenile facility, jail, lockup, minor, staff, or the public. Only such regulations directly affected by the emergency may be suspended. The facility administrator shall notify the Board of Corrections in writing in the event that such a suspension lasts longer than three days. In no event shall a suspension continue more than 15

days without the approval of the chairperson of the Board of Corrections for a time specified by him/her.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1312. Juvenile Criminal History Information.**

Such juvenile criminal history information as is necessary for the conduct of facility inspections as specified in Section 209 of the Welfare and Institutions Code shall be made available to the staff of the Board of Corrections. Such information shall be held confidential except that published reports may contain such information in a form which does not identify an individual.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 204.5 and 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1313. County Inspection and Evaluation of Building and Grounds.**

On an annual basis, each juvenile facility administrator shall obtain a documented inspection and evaluation from the following:

- (a) county building inspector or person designated by the Board of Supervisors to approve building safety;
- (b) fire authority having jurisdiction, including a fire clearance as required by Health and Safety Code Section 13146.1 (a) and (b);
- (c) local health officer, inspection in accordance with Health and Safety Code Section 101045;
- (d) county superintendent of schools on the adequacy of educational services and facilities as required in Section 1370;
- (e) juvenile court as required by Section 209 of the Welfare and Institutions Code; and,
- (f) the Juvenile Justice Commission as required by Section 229 of the Welfare and Institutions Code or Probation Commission as required by Section 240 of the Welfare and Institutions Code.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001. Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1314. Appeal.**

The appeal hearing procedures are intended to provide a review concerning the Board of Corrections application and enforcement of standards and regulations governing juvenile facilities. A county, city, city and county, or joint juvenile facility may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

- (a) Levels of Appeal.
  - (1) There are two levels of appeal as follows:

- (A) appeal to the Executive Director; and,
  - (B) appeal to the Board of Corrections.
- (2) An appeal shall first be filed with the Executive Director.
- (b) Appeal to the Executive Director.
  - (1) If a county, city, city and county, or joint juvenile facility is dissatisfied with an action of the Board of Corrections staff, it may appeal the cause of the dissatisfaction to the Executive Director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.
  - (2) The appeal shall be in writing and:
    - (A) state the basis for the dissatisfaction;
    - (B) state the action being requested of the Executive Director; and,
    - (C) attach any correspondence or other documentation related to the cause for dissatisfaction.
- (c) Executive Director Appeal Procedures.
  - (1) The Executive Director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days except in those cases where the appellant withdraws or abandons the appeal.
  - (2) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.
  - (3) The Executive Director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant sources of information deemed appropriate.
- (d) Executive Director's Decision.

The decision of the Executive Director shall be in writing and shall provide the rationale for the decision.
- (e) Request for Appeal Hearing by Board.
  - (1) If a county, city, city and county, or joint juvenile facility is dissatisfied with the decision of the Executive Director, it may file a request for an appeal hearing with the Board of Corrections. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.
  - (2) The request shall be in writing and:
    - (A) state the basis for the dissatisfaction;
    - (B) state the action being requested of the Board; and,
    - (C) attach any correspondence related to the appeal from the Executive Director.
- (f) Board Hearing Procedures.
  - (1) The hearing shall be conducted by a hearing panel designated by the Chairman of the Board at a reasonable time, date, and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
  - (2) The procedural time requirements may be waived with mutual consent of the parties involved.
  - (3) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.



- (4) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (5) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, shall be accepted. Hearings shall be tape recorded.
- (6) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board of Corrections at its next regular public meeting.
- (g) Board of Corrections' Decision.
  - (1) The Board of Corrections, after receiving the proposed decision, may:
    - (A) adopt the proposed decision;
    - (B) decide the matter on the record with or without taking additional evidence; or,
    - (C) order a further hearing to be conducted if additional information is needed to decide the issue.
  - (2) the Board, or notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.
  - (3) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
  - (4) The decision of the Board of Corrections shall be final.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **ARTICLE 3. TRAINING, PERSONNEL, AND MANAGEMENT**

#### **Section 1320. Appointment and Qualifications.**

- (a) Appointment
 

In each juvenile facility there shall be a superintendent, director or facility manager in charge of its program and employees. Such superintendent, director, facility manager and other employees of the facility shall be appointed by the facility administrator pursuant to applicable provisions of law.
- (b) Employee Qualifications
 

Each facility shall:

  - (1) recruit and hire employees who possess knowledge, skills and abilities appropriate to their job classification and duties in accordance with applicable civil service or merit system rules;
  - (2) require a medical evaluation and physical examination including tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood (i.e., diphtheria, rubeola, rubella, and mumps);
  - (3) adhere to the minimum standards for the selection and training requirements adopted by the Board pursuant to Section 6035 of the Penal Code; and,
  - (4) conduct a criminal records review and psychological examination in accordance with Section 1029 et seq. of the Government Code.
- (c) Contract personnel, volunteers, and other non-employees of the facility, who may be present at the facility, shall have such clearance and qualifications as may be required by

law, and their presence at the facility shall be subject to the approval and control of the facility manager.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1321. Staffing.**

Each juvenile facility shall:

- (a) have an adequate number of personnel sufficient to carry out its program and meet established standards and regulations. No required services shall be denied because of insufficient numbers of staff on duty.
- (b) have a sufficient number of supervisory level staff to ensure adequate supervision of all staff members;
- (c) have a clearly identified person on duty at all times who is responsible for all operations and activities and has completed the Juvenile Corrections Officer Core Course and PC 832 training.
- (d) have at least one staff member present on each unit whenever there is a minor or minors in the unit.
- (e) have sufficient food service personnel relative to the number and security of living units, including staff qualified and available to: plan menus meeting nutritional requirements of the gender and age groups fed; provide kitchen supervision; direct food preparation and servings; conduct related training programs for culinary staff; and maintain necessary records; or, a facility may serve food that meets nutritional standards prepared by an outside source; and,
- (f) have sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance, transportation, control room, institutional security and other support staff for the efficient management of the facility, and to ensure that child supervision staff shall not be diverted from supervising minors.
- (g) assign sufficient child supervision staff to provide continuous wide awake supervision of minors, subject to temporary variations in staff assignments to meet special program needs. Staffing shall be in compliance with a minimum child-staff ratio for the following facility types:
  - (1) Juvenile halls
    - (A) during the hours that minors are awake, one wide-awake child supervision staff member on duty for each 10 minors in detention;
    - (B) during the hours that minors are asleep, one wide-awake child supervision staff member on duty for each 30 minors in detention;
    - (C) at least two wide-awake child supervision staff members on duty at all times, regardless of the number of minors in detention, unless an arrangement has been made for backup support services which allow for immediate response to emergencies; and,
    - (D) at least one child supervision staff member on duty who is the same gender as minors housed in the facility.
  - (2) Special Purpose Juvenile Halls
    - (A) during the hours that minors are awake, one wide-awake child supervision staff member on duty for each 10 minors in detention;

- (B) during the hours that minors are asleep, one wide-awake child supervision staff member on duty for each 30 minors in detention;
  - (C) at least two wide-awake child supervision staff members on duty at all times, regardless of the number of minors in detention, unless an arrangement has been made for backup support services which allow for immediate response to emergencies; and,
  - (D) at least one child supervision staff member on duty who is the same gender as minors housed in the facility, unless an arrangement has been made for immediate same gender supervision.
- (3) Camps
- (A) during the hours that minors are awake, one wide-awake child supervision staff member on duty for each 15 minors in the camp population;
  - (B) during the hours that minors are asleep, one wide-awake child supervision staff member on duty for each 30 minors present in the facility;
  - (C) at least two wide-awake child supervision staff members on duty at all times, regardless of the number of minors in residence, unless arrangements have been made for backup support services which allow for immediate response to emergencies;
  - (D) at least one child supervision staff member on duty who is the same gender as minors housed in the facility;
  - (E) in addition to the minimum staff to child ratio required in (c)(2)(A), consideration shall be given to the size, design, and location of the camp; types of offenders committed to the camp; and the function of the camp in determining the level of supervision necessary to maintain the safety and welfare of minors and staff;
  - (F) personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, farm, forestry, kitchen or maintenance shall not be classified as child supervision staff positions; and,

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

## **Section 1322. Child Supervision Staff Orientation and Training.**

- a) Prior to assuming any responsibilities each child supervision staff member shall be properly oriented to his/her duties, including:
  - (1) child supervision duties;
  - (2) the scope of decisions he/she shall make;
  - (3) the identity of his/her supervisor;
  - (4) the identity of persons who are responsible to him/her;
  - (5) persons to contact for decisions that are beyond his or her responsibility; and
  - (6) ethical responsibilities.
- b) Prior to assuming responsibility for the supervision of minors, each child supervision staff member shall receive a minimum of 40 hours of facility specific orientation, including:
  - (1) individual and group supervision techniques;
  - (2) regulations and policies relating to discipline and basic rights of minors pursuant to law and the provisions of this chapter;

- (3) basic health, sanitation and safety measures;
  - (4) suicide prevention and response to suicide attempts
  - (5) policies regarding use of force, mechanical and physical restraints;
  - (6) procedures to follow in the event of emergencies;
  - (7) routine security measures;
  - (8) crisis intervention and mental health referrals to mental health services;
  - (9) documentation; and
  - (10) fire/life safety training
- c) Prior to assuming primary responsibility for supervision of minors, each child supervision staff member shall successfully complete the requirements of the Juvenile Corrections Officer Core Course pursuant to Penal Code Section 6035.
  - d) Prior to exercising the powers of a peace officer child supervision staff shall successfully complete training pursuant to Section 830 et seq. of the Penal Code.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1323. Fire and Life Safety.**

Whenever there is a minor in a juvenile facility, there shall be at least one person on duty at all times who meets the training standards established by the Board of Corrections for general fire and life safety which relate specifically to the facility.

NOTE: Authority cited: Section 6030 Penal Code; Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1324. Policy and Procedures Manual.**

All facility administrators shall develop, publish, and implement a manual of written policies and procedures that address, at a minimum, all regulations that are applicable to the facility. Such a manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed annually, and updated, as necessary. Those records relating to the standards and requirements set forth in these regulations shall be accessible to the Board of Corrections on request.

The manual shall include:

- (a) table of organization, including channels of communications and a description of job classifications;
- (b) responsibility of the probation department, purpose of programs, relationship to the juvenile court, the Juvenile Justice/Delinquency Prevention Commission or Probation Committee, probation staff, school personnel and other agencies that are involved in juvenile facility programs;
- (c) responsibilities of all employees;
- (d) initial orientation and training program for employees;
- (e) initial orientation, including safety and security issues, for support staff, contract employees, school and medical staff, program providers and volunteers;
- (f) maintenance of record-keeping, statistics and communication system to ensure:

- (1) efficient operation of the juvenile facility;
- (2) legal and proper care of minors;
- (3) maintenance of individual minor's records;
- (4) supply of information to the juvenile court and those authorized by the court or by the law;
- (5) release of information regarding minors; and
- (g) ethical responsibilities

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1325. Fire Safety Plan.**

The facility administrator shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire safety which shall include, but not be limited to:

- (a) a fire prevention plan to be included as part of the manual of policy and procedures;
- (b) monthly fire and life safety inspections by facility staff with two year retention of the inspection record;
- (c) annual fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b) which requires annual inspections;
- (d) an evacuation plan;
- (e) documented fire drills not less than quarterly
- (f) a written plan for the emergency housing of minors in the case of fire; and,
- (g) development of a fire suppression pre-plan in cooperation with the local fire department.

NOTE: Authority cited: Section 6030 Penal Code; Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1326. Security Review.**

Each facility administrator shall develop policies and procedures to annually review, evaluate, and document security of the facility. The review and evaluation shall include internal and external security, including, but not limited to, key control, equipment, and staff training.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1327. Emergency Procedures.**

The facility administrator shall develop facility-specific policies and procedures for emergencies that shall include, but not be limited to:

- (a) escape, disturbances, and the taking of hostages;
- (b) civil disturbance;
- (c) fire and natural disasters
- (d) periodic testing of emergency equipment;

- (e) storage, issue and use of chemical agents, related security devices, and weapons and ammunition, where applicable; and,
- (f) emergency evacuation of the facility.
- (g) a program to provide all child supervision staff with an annual review of emergency procedures.

Confidential policies and procedures that relate to the security of the facility may be kept in a separate manual.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1328. Safety Checks.**

The facility administrator shall develop policy and procedures that provide for direct visual observation of minors at least every 15 minutes during hours when minors are asleep or when minors are in their rooms. Supervision is not replaced, but may be supplemented by an audio/visual electronic surveillance system designed to detect overt, aggressive or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

## **ARTICLE 4. RECORDS AND PUBLIC INFORMATION**

### **Section 1340. Reporting of Legal Actions.**

Each facility shall submit to the Board of Corrections a letter of notification on each legal action, pertaining to conditions of confinement, filed against persons or legal entities responsible for juvenile facility operation.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1341. Death and Serious Illness or Injury of a Minor While Detained.**

In any case in which a minor dies while detained in a juvenile facility :

- (a) The administrator of the facility shall provide to the Board of Corrections a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Board within 10 calendar days after the death.
- (b) Upon receipt of a report of death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.
- (c) The health administrator, in cooperation with the facility administrator, shall develop written policy and procedures to assure that there is a medical and operational review of every in-custody death of a minor. The review team shall include the facility

administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

- (d) The facility administrator shall develop written instructions for handling deaths, suicide attempts, suicide prevention and for notification of the Juvenile Court and the parent, guardian, or person standing in loco parentis, in the event of a serious illness, injury or death of a minor.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1342. Population Accounting.**

Each juvenile facility shall submit required population and profile survey reports to the Board of Corrections within 10 working days after the end of each reporting period , in a format to be provided by the Board.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1343. Juvenile Facility Capacity.**

The Board of Corrections shall establish the maximum capacity of a juvenile facility based on statute and applicable regulations. When the number of minors detained in a living unit of a juvenile facility exceeds its maximum capacity for more than fifteen (15) calendar days in a month, the facility administrator shall provide a crowding report to the Board in a format provided by the Board. The Executive Director of the Board of Corrections shall review the juvenile facility's report and initiate a process to make a preliminary determination if the facility is suitable for the continued confinement of minors. If the Executive Director determines that the facility is unsuitable for the confinement of minors, the recommendation shall be reviewed by the Board of Corrections at the next scheduled meeting. Notice of the Board's findings and/or actions shall be public record and, at a minimum, will be provided to the facility administrator, presiding juvenile court judge, chairperson of the board of supervisors and juvenile justice commission within ten working days of the Board meeting.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **ARTICLE 5. CLASSIFICATION AND SEGREGATION**

#### **Section 1350. Admittance Procedures.**

The facility administrator shall develop written policies and procedures for admittance of minors. In addition to the requirements of Sections 1324 and 1430 of these regulations:

- (a) juvenile halls shall assure that a minor shall be allowed access to a telephone, in accordance with the provisions of Welfare and Institution Code Section 627; and,

- (b) juvenile camps shall include policies and procedures that advise the minor of the estimated length of stay, and shall develop program guidelines that include written screening criteria for inclusion and exclusion from the program.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1351. Release Procedures.**

The facility administrator shall develop written policies and procedures for release of minors from custody which provide for:

- (a) verification of identity/release papers;
- (b) return of personal clothing and valuables;
- (c) notification to the minor's parents or guardian;
- (d) notification to the facility health care provider in accordance with Section 1408 and Section 1437 of these regulations, for coordination with outside agencies; and,
- (e) notification of school staff.

The facility administrator shall develop and implement written policies and procedures for the furlough of minors from custody.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1352. Classification.**

The facility administrator shall develop written policies and procedures on classification of minors for the purpose of determining housing placement in the facility.

Such procedures shall:

- (a) provide for the safety of the minor, other minors, facility staff, and the public by placing minors in the appropriate, least restrictive housing and program settings. Housing assignments shall consider the need for single, double or dormitory assignment or location within the dormitory;
- (b) consider facility populations and physical design of the facility;
- (c) provide that a minor shall be classified upon admittance to the facility; classification factors shall include, but not be limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations and sex of the minor; and,
- (d) provide for periodic classification reviews, including provisions that consider the level of supervision and the minor's behavior while in custody.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1353. Orientation.**

The facility administrator shall develop written policies and procedures to orient a minor prior to placement in a living area. Both written and verbal information shall be provided.



Provision shall be made to provide information to minors who are impaired, illiterate or do not speak English. Orientation shall include:

- (a) facility rules and disciplinary procedures;
- (b) grievance procedures;
- (c) access to legal services;
- (d) access to health care services;
- (e) housing assignments;
- (f) availability of personal care items and opportunity for personal hygiene;
- (g) correspondence, visiting and telephone use;
- (h) availability of reading materials, programs, and activities;
- (i) use of restraints and chemical agents;
- (j) use of force; and,
- (k) emergency and evacuation procedures.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1354. Segregation.**

The facility administrator shall develop written policies and procedures concerning the need to segregate minors. Minors who are segregated shall not be denied normal privileges available at the facility, except when necessary to accomplish the objectives of segregation. Written procedures shall be developed which provide a review of all minors to determine whether it is appropriate for them to remain in segregation and for direct visual observation. When segregation is for the purpose of discipline, Title 15, Section 1390 shall apply.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1355. Institutional Assessment and Plan.**

The facility administrator shall develop written policies and procedures to provide that for minors held for 30 days or more, an assessment and plan shall be developed within 40 days of admission. The assessment and plan shall be documented.

- (a) The assessment is a statement of the minor's problems, including, but not limited to, identification of substance abuse history, educational, vocational, counseling and family reunification needs.
- (b) The institutional plan, for pre-adjudicated minors, shall include, but not be limited to, written documentation that provides:
  - (1) objectives and time frames for the resolution of problems identified in the assessment;
  - (2) a plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented;
- (c) In addition to the items noted above, once a minor is adjudicated, the institutional plan shall include, but not be limited to, written documentation that provides:

- (1) periodic evaluation or progress towards meeting the objectives, including periodic review and discussion of the plan with the minor;
- (2) a transition or aftercare plan, subject to existing resources, that is completed prior to the minor being released; and,
- (3) contact with the Regional Center for the Developmentally Disabled for minors that are developmentally disabled, including provisions of Section 1413(b).

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1356. Counseling and Casework Services.**

The facility administrator shall develop written policies and procedures ensuring the availability of appropriate counseling and casework services for all minors. Policies and procedures shall ensure:

- (a) minors will receive assistance with personal problems or needs that may arise;
- (b) minors will receive assistance in requesting contact with parents, attorney, clergyman, probation officer, or other public official; and,
- (c) minors will be provided services as appropriate to the population housed in the facility, and may include, but not be limited to: substance abuse, family crisis and reunification, counseling, public health and mental health services.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1357. Use of Force.**

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline or treatment.

- (a) At a minimum, each facility shall develop policy statements which:
  - (1) define the term "force," and address the escalation and appropriate level of force, while emphasizing the need to avoid the use of force whenever possible and using only the amount of force necessary to ensure the safety of minors and others;
  - (2) describe the requirements for staff to report the use of force, and to take affirmative action to stop the inappropriate use of force;
  - (3) define the role and notification of medical and mental health staff concerning the use of force; and,
  - (4) define the training which shall be provided and required for the use of force.
- (b) Policies and procedures shall be developed which include, but are not limited to, the types, levels and application of force, documentation of the use of force, a grievance procedure, a system for investigation of the use of force, and discipline for the improper use of force. Such procedures shall address:
  - (1) the specific use of physical, chemical agent, lethal, and non-lethal force that may, or may not, be used in the facility; and,
  - (2) a standardized format, time period, and procedure for reporting the use of force, including the reporting requirements of management and line staff.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1358. Use of Physical Restraints.**

- (a) The facility administrator, in cooperation with the responsible physician and mental health director, shall develop written policies and procedures for the use of restraint devices. In addition to the areas specifically outlined in this regulation, as a minimum, the policy shall address the following areas: known medical conditions that would contraindicate certain restraint devices and/or techniques; acceptable restraint devices; signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment; protective housing of restrained minors; provision for hydration and sanitation needs; and exercising of extremities.
- (b) Restraint devices include any devices which immobilize a minor's extremities and/or prevent the minor from being ambulatory. Physical restraints should be utilized only when it appears less restrictive alternatives would be ineffective in controlling the disordered behavior. Physical restraints shall be used only for those minors who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. The circumstances leading to the application of restraints must be documented.
- (c) Minors shall be placed in restraints only with the approval of the facility manager or designee. The facility manager may delegate authority to place a minor in restraints to a physician. Reasons for continued retention in restraints shall be reviewed and documented at a minimum of every hour. A medical opinion on the safety of placement and retention shall be secured as soon as possible, but no later than two hours from the time of placement. The minor shall be medically cleared for continued retention at least every three hours thereafter. A mental health consultation shall be secured as soon as possible, but in no case longer than four hours from the time of placement, to assess the need for mental health treatment.
- (d) Continuous direct visual supervision shall be conducted to ensure that the restraints are properly employed, and to ensure the safety and well-being of the minor. Observations of the minor's behavior and any staff interventions shall be documented at least every 15 minutes, with actual time of the documentation recorded. While in restraint devices all minors shall be housed alone or in a specified housing area for restrained minors which makes provision to protect the minor from abuse. In no case shall restraints be used as punishment or discipline, or as a substitute for treatment. Additionally, the affixing of hands and feet together behind the back (hogtying) is prohibited.
- (e) The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain minors for movement or transportation reasons.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1359. Safety Room Procedures.**

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures governing the use of safety rooms, as described in Title 24, Part 2, Section 460A.1.13. The room shall be used to hold only those minors who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. A safety room shall not be used for punishment or discipline, or as a substitute for treatment. Policies and procedures shall:

- (a) include provisions for administration of necessary nutrition and fluids, access to a toilet, and suitable clothing to provide for privacy;
- (b) provide for approval of the facility manager, or designee, before a minor is placed into a safety room;
- (c) provide for continuous direct visual supervision and documentation of the minor's behavior and any staff interventions every 15 minutes, with actual time recorded;
- (d) provide that the minor shall be evaluated by the facility manager, or designee, every four hours;
- (e) provide for immediate medical assessment, where appropriate, or an assessment at the next daily sick call;
- (f) provide that a minor shall be medically cleared for continued retention every 24 hours;
- (g) provide that a mental health opinion is secured within 24 hours; and,
- (h) provide a process for documenting the reason for placement, including attempts to use less restrictive means of control, , and decisions to continue and end placement.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1360. Searches.**

The facility administrator shall develop written policies and procedures governing the search of minors, the facility, and visitors. Searches shall be conducted to ensure the safety and security of the facility, and to provide for the safety and security of the public, visitors, minors, and staff. Searches may be conducted as deemed necessary by the facility manager on a routine or random basis. Searches shall not be conducted for harassment or as a form of discipline or punishment. Body cavity searches, as defined in Penal Code Section 4030, shall be conducted by medical personnel. Written procedures shall address each of the following:

- (a) intake searches which may include pat-downs, metal detector, and clothing searches. (Strip searches and visual body searches shall be conducted only with prior supervisory approval, and only upon reasonable suspicion that a minor is in possession of a weapon or contraband, as provided in Penal Code Section 4030; minors accused of felonies may, in addition to the preceding, be visually observed during the shower process by a staff member of the same sex as the minor);
- (b) searching minors who are returning from court, or from another facility; when appropriate, the searches may include pat-down, metal detector, clothing, strip, and visual body cavity searches;
- (c) facility searches that address procedures to search both minors and their personal property within the facility;

- (d) limited administrative searches of visitors to ensure the safety, security, and sound operation of the facility; and,
- (e) cross gender supervision shall distinguish between visual supervision, pat-down searches, and more intrusive searches, as well as the suspension of restrictive procedures during emergencies, in conformance with Penal Code Section 4030.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1361. Grievance Procedure.**

The facility administrator shall develop written policies and procedures whereby any minor may appeal and have resolved grievances relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, and food, clothing, or bedding. Policies and procedures shall include provisions whereby the facility manager ensures:

- (a) a grievance form and instructions for registering a grievance, which includes provisions for the minor to have free access to the form and to deliver the form to any child care supervision staff working in the facility;
- (b) resolution of the grievance at the lowest appropriate staff level;
- (c) provision for a review and response to grievances within a specified time limit;
  - (1) The minor may elect to be present to explain his/her version of the grievance to a person not directly involved in the circumstances which led to the grievance.
  - (2) Provision for a staff representative approved by the facility administrator to assist the minor.
- (d) provision for a written response to the grievance which includes the reasons for the decisions; and,
- (e) a system which provides that any appeal of a grievance shall be heard by a person not directly involved in the circumstances which led to the grievance.

Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be addressed and documented in accordance with written policies and procedures within a specified timeframe.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1362. Reporting of Incidents.**

A written report of all incidents which result in physical harm, serious threat of physical harm, or death to an employee or a minor of a juvenile facility, or other person(s) shall be maintained. Such written record shall be prepared by the staff and submitted to the facility manager by the end of the shift.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**ARTICLE 6. PROGRAMS AND ACTIVITIES****Section 1370. Education Program.****(a) School Programs**

The County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the chief probation officer, or designee. The school and facility administrators shall develop written policy and procedures to ensure communication and coordination between educators and probation staff. The facility administrator shall request an annual certification from the superintendent of schools that the program complies with this section.

**(b) Required Elements**

The facility school program shall comply with the State Education Code and County Board of Education policies and provide for an annual evaluation of the educational program offerings. Minors shall be provided a quality educational program that includes instructional strategies designed to respond to the different learning styles and abilities of students.

(1) The course of study shall include, but not be limited to, the following:

- (A) English/Language Arts;
- (B) Social Sciences;
- (C) Physical Education;
- (D) Science;
- (E) Health;
- (F) Mathematics;
- (G) Fine Arts/Foreign Language; and,
- (H) Electives (including career education).

(2) General Education Development (GED) preparation shall be provided for all eligible youth.

(3) The minimum school day shall be consistent with California Education Code Requirements for juvenile court schools.

**(c) School Discipline**

(1) The educational program shall be integrated into the facility's overall behavioral management plan and security system.

(2) School staff shall be advised of administrative decisions made by probation staff that may affect the educational programming of students.

(3) Expulsion/suspension from school shall follow the appropriate due process safeguards as set forth in the Education Code including the rights of students with special needs.

(4) The facility administrator, in conjunction with education staff will develop policies and procedures that address the rights of any student who has continuing difficulty completing a school day.

**(d) Provisions for Individuals with Special Needs**

(1) Educational instruction shall be provided to minors restricted to high security or other special units.

(2) State and federal laws shall be observed for individuals with special education needs.

(3) Non-English speaking minors, and those with limited English-speaking skills, shall be afforded an educational program.

## (e) Educational Screening and Admission

- (1) Minors shall be interviewed after admittance and a written record prepared that documents a minor's educational history, including but not limited to:
  - (A) school progress;
  - (B) Home Language Survey;
  - (C) special needs; and,
  - (D) discipline problems.
- (2) Not later than three school days after admission to the facility the minor shall be enrolled in school; and the educational staff shall conduct an assessment to determine the minor's general academic functioning levels to enable placement in core curriculum courses.
- (3) After admission to the facility, a preliminary education plan shall be developed for each minor within five school days.
- (4) If a minor is detained, the education staff shall request the minor's transcript from his/her prior school. Copies of the student's Individual Education Program (IEP) and 504 Plan will also be requested. Upon receipt of the transcripts, the minor's educational plan shall be reviewed and modified as needed.

## (f) Educational Reporting

- (1) The educational record of the minor shall be forwarded to the school district or educational program upon request by the school or parent.
- (2) The County Superintendent of Schools shall provide credit for course work completed while in juvenile court school and consult with public school districts to accept credit for course work.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1371. Recreation and Exercise.**

- (a) The facility administrator shall develop and implement written policies and procedures for recreation and exercise of minors.
- (b) Equivalent programming for both female and male minors shall exist for all recreation programs.
- (c) The recreation program shall include: a written daily schedule; access to approved reading materials; other programs such as television, radio, ping pong, video and games. Activities shall be supervised and include orientation and coaching of minors.
- (d) The exercise program shall include the opportunity for at least one hour of outdoor physical activity each day, weather permitting. In the event weather does not permit outdoor physical activity, at least one hour each day of exercise involving large muscle activities shall be provided.
- (e) Juvenile facilities shall provide the opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school days, of which one hour shall be large muscle exercise, as noted in item (d) above. Such recreation and exercise schedule shall be posted in the living units.
- (f) The administrator/manager may suspend, for a period not to exceed 24 hours, access to recreation. However, minors on disciplinary status shall continue to have an opportunity for a minimum of one hour of large muscle exercise. That one hour of exercise may be

suspended only upon a written finding by the administrator/manager that the minor represents a threat to the safety and security of the facility.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1372. Religious Program.**

The facility administrator shall provide access to religious services and/or religious counseling at least once each week. Attendance shall be voluntary. A minor shall be allowed to participate in other program activities if he/she elects not to participate in religious programs.

Religious programs shall provide for:

- (a) opportunity for religious services;
- (b) availability of clergy; and,
- (c) availability of religious diets.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1373. Work Program.**

The facility administrator shall develop policies and procedures regarding the assignment of minors to work programs. Work assigned to a minor shall be meaningful, constructive and related to vocational training or increasing a minor's sense of responsibility.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1374. Visiting.**

The facility administrator shall develop written policies and procedures for visiting that include provisions for special visits. Minors shall be allowed to receive visits by parents, guardians or persons standing in loco parentis, at reasonable times, subject only to the limitations necessary to maintain order and security. Opportunity for visitation shall be a minimum of one visit totaling one hour per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1375. Correspondence.**

The facility administrator shall develop and implement written policies and procedures for correspondence which provide that:

- (a) there is no limitation on the volume of mail that minors may send or receive;
- (b) minors may send two letters per week postage free;



- (c) minors may correspond confidentially with state and federal courts, any member of the State Bar or holder of public office, and the State Board of Corrections; however, authorized facility staff may open and inspect such mail only to search for contraband and in the presence of the minor; and,
- (d) incoming and outgoing mail, other than that described in (c), may be read by staff only when there is reasonable cause to believe facility safety and security, public safety, or minor safety is jeopardized.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1376. Telephone Access.**

The administrator of each juvenile facility shall develop and implement written policies and procedures to provide minors with access to telephone communications.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1377. Access to Legal Services.**

The facility administrator shall develop written procedures to ensure the right of minors to have access to the courts and legal services. Such access shall include:

- (a) access, upon request by the minor, to licensed attorneys;
- (b) provision for confidential consultation with attorneys; and,
- (c) unlimited postage free, legal correspondence.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1378. Social Awareness Program.**

Programs designed to promote social awareness and reduce recidivism shall be provided. Social Awareness Programs shall take into consideration the needs of male and female minors. Such programs may be provided under the direction of the County Board of Education or the chief probation officer and may include: victim awareness; conflict resolution; anger management; parenting skills; juvenile justice; self-esteem; building effective decision making skills; and, other topics that suit the needs of the minor. There will be a written annual record review of the programs by the responsible agency to ensure that program content offered is current, consistent, and relevant to the population.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

**ARTICLE 7. DISCIPLINE****Section 1390. Discipline.**

The facility administrator shall develop written policies and procedures for the discipline of minors that shall promote acceptable behavior. Discipline shall be imposed at the least restrictive level which promotes the desired behavior. Discipline shall not include corporal punishment, physical or psychological degradation or deprivation of the following:

- (a) bed and bedding;
- (b) daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;
- (c) full nutrition;
- (d) contact with parent or attorney;
- (e) exercise;
- (f) medical services and counseling;
- (g) religious services;
- (h) clean and sanitary living conditions;
- (i) the right to send and receive mail; and,
- (j) education.

The facility administrator shall establish rules of conduct and disciplinary penalties to guide the conduct of minors. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all minors. Provision shall be made to provide the information to minors who are impaired, illiterate or do not speak English.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1391. Discipline Process.**

The facility administrator shall develop written policies and procedures for the administration of discipline which shall include, but not be limited to:

- (a) designation of personnel authorized to impose discipline for violation of rules;
- (b) prohibiting discipline to be delegated to any minor;
- (c) definition of major and minor rule violations and penalties, and due process requirements;
- (d) minor rule violations which may be handled informally by counseling or advising the minor of the expected conduct or by the imposition of a minor penalty; segregation for a minor violation shall not exceed 24 hours; discipline shall be accompanied by written documentation and a policy of review and appeal to a supervisor; and,
- (e) major rule violations which include but are not limited to: any violation that results in segregation for 24 hours or more, or extension of time in custody. Major rule violations and the discipline process shall be documented and require the following:
  - (1) written notice of violation prior to a hearing;
  - (2) hearing by a person who is not a party to the incident;
  - (3) opportunity for the minor to be heard, present evidence and testimony;
  - (4) provision for minor to be assisted by staff in the hearing process;

(5) provision for administrative review.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

## **ARTICLE 8. HEALTH SERVICES**

### **Section 1400. Responsibility for Health Care Services.**

The facility administrator shall ensure that health care services are provided to all minors. The facility shall have a designated health administrator who, in cooperation with the mental health director and facility administrator and pursuant to a written agreement, contract or job description, is administratively responsible to:

- (a) develop policy for health care administration;
- (b) identify health care providers for the defined scope of services;
- (c) establish written agreements as necessary to provide access to health care;
- (d) develop mechanisms to assure that those agreements are properly monitored; and,
- (e) establish systems for coordination among health care service providers.

When the health administrator is not a physician, there shall be a designated responsible physician who shall develop policy in health care matters involving clinical judgments.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1401. Patient Treatment Decisions.**

Clinical decisions about the treatment of individual minors are the sole province of licensed health care professionals, operating within the scope of their license and within facility policy defining health care services.

Security policies and procedures that are applicable to child supervision staff also apply to health care personnel.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1402. Scope of Health Care.**

- (a) The health administrator, in cooperation with the facility administrator, shall develop written policy and procedures to define the extent to which health care shall be provided within the facility and delineate those services that shall be available through community providers. Each facility shall provide:
  - (1) at least one physician to provide treatment; and,
  - (2) health care services which meet the minimum requirements of these regulations and be at a level to address acute symptoms and/or conditions and avoid preventable deterioration of health while in confinement.
- (b) When health services are delivered within the juvenile facility, staff, space, equipment, supplies, materials, and resource manuals shall be adequate to the level of care provided.

- (c) Consistent with security requirements and public safety, written policy and procedures for juvenile facilities shall provide for parents, guardians, or other legal custodians, at their own expense, to authorize and arrange for medical, surgical, dental, mental health or other remedial treatment of minors that is permitted under law.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1403. Health Care Monitoring and Audits.**

- (a) In juvenile facilities with on-site health care staff, the health administrator, in cooperation with the facility administrator, shall develop and implement written policy and procedures to collect statistical data and submit at least annual summaries of health care services to the facility administrator.
- (b) The health administrator, in cooperation with the responsible physician and the facility administrator, shall establish policies and procedures to assure that the quality and adequacy of health care services are assessed at least annually.
  - (1) Policy and procedures shall identify a process for correcting identified deficiencies in the medical, dental, mental health and pharmaceutical services delivered.
  - (2) Based on information from these assessments, the health administrator shall provide the facility administrator with an annual written report on medical, dental, mental health and pharmaceutical services.
- (c) Medical, mental and dental services shall be reviewed at least quarterly, at documented administrative meetings between the health and facility administrators and other staff, as appropriate.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1404. Health Care Staff Qualifications.**

- (a) The health administrator shall, at the time of recruitment for health care positions, develop education and experience requirements that are consistent with the community standard and the needs of the facility population.
- (b) In all juvenile facilities providing on-site health care services, the health administrator, in cooperation with the facility administrator, shall establish policy and procedures to assure that State licensure, certification, or registration requirements and restrictions that apply in the community, also apply to health care personnel who provide services to minors.
- (c) Appropriate credentials shall be on file at the facility, or in another central location where they are available for review. Policy and procedures shall provide that these credentials are periodically reviewed and remain current.
- (d) The health administrator shall assure that position descriptions and health care practices require that health care staff receive the supervision required by their license and operate within their scope of practice.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1405. Health Care Staff Procedures.**

The responsible physician for each facility providing on-site health care may determine that a clinical function or service can be safely and legally delegated to health care staff other than a physician. When this is done, the function or service shall be performed by staff operating within their scope of practice pursuant to written protocol, standardized procedures or direct medical order.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1406. Health Care Records.**

In juvenile facilities providing on-site health care, the health administrator, in cooperation with the facility administrator, shall maintain complete individual and dated health records that include, but are not limited to:

- (a) intake health screening form;
- (b) health appraisals/medical examinations;
- (c) health service reports (e.g., emergency department, dental, psychiatric, and other consultations);
- (d) complaints of illness or injury;
- (e) names of personnel who treat, prescribe, and/or administer/deliver prescription medication;
- (f) location where treatment is provided;
- (g) medication records in conformance with Title 15, Section 1438;
- (h) progress notes;
- (i) consent forms;
- (j) authorizations for release of information;
- (k) copies of previous health records;
- (l) immunization records; and,
- (m) laboratory reports.

Written policy and procedures shall provide for maintenance of the health record in a locked area separate from the confinement record. Access to the medical/mental health record shall be controlled by the health administrator and shall assure that all confidentiality laws related to the provider-patient privilege apply to the health record. Minors shall not be used to translate confidential medical information for other non-English speaking minors.

Health care records shall be retained in accordance with community standards.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1407. Confidentiality.**

For each juvenile facility that provides on-site health services, the health administrator, in cooperation with the facility administrator, shall establish policy and procedures, consistent with applicable laws, for the multi-disciplinary sharing of health information. These policies and procedures shall address the provision for providing information to the court, child supervision staff and to probation. Information in the minor's case file shall be shared with the health care staff when relevant. The nature and extent of information shared shall be appropriate to treatment planning, program needs, protection of the minor or others, management of the facility, maintenance of security, and preservation of safety and order.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1408. Transfer of Health Care Summary and Records.**

The health administrator, in cooperation with the facility administrator, shall establish written policy and procedures to assure that a health care summary and relevant records are forwarded to health care staff in the receiving facility when a minor is transferred to another jurisdiction, and to the local health officer, when applicable. Policies shall include:

- (a) a summary of the health record, or documentation that no record exists at the facility, is sent in an established format, prior to or at the time of transfer;
- (b) relevant health records are forwarded to the health care staff of the receiving facility;
- (c) advance notification is provided to the local health officer in the sending jurisdiction and responsible physician of the receiving facility prior to the release or transfer of minors with known or suspected active tuberculosis disease;
- (d) written authorization from the minor and/or parent-legal guardian is obtained prior to transferring copies of actual health records, unless otherwise provided by court order, statute or regulation having the force and effect of law; and,
- (e) confidentiality of health records is maintained.

After minors are released to the community, health record information shall be transmitted to specific physicians or health care facilities in the community, upon request and with the written authorization of the minor and/or parent/guardian.

In special purpose juvenile halls and other facilities that do not have on-site health care staff, policy and procedures shall assure that child supervision staff forward non-confidential information on medications and other treatment orders prior to or at the time of transfer.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1409. Health Care Procedures Manual.**

For juvenile facilities with on-site health care staff, the health administrator, in cooperation with the facility administrator, shall develop and maintain a facility-specific health services manual of written policies and procedures that address, at a minimum, all health care related standards that are applicable to the facility.

Health care policy and procedure manuals shall be available to all health care staff, to the facility administrator, the facility manager, and other individuals as appropriate to ensure effective service delivery.

Each policy and procedure for the health care delivery system shall be reviewed at least annually and revised as necessary under the direction of the health administrator. The health administrator shall develop a system to document that this review occurs. The facility administrator, facility manager, health administrator and responsible physician shall designate their approval by signing the manual.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1410. Management of Communicable Diseases.**

The health administrator/responsible physician, in cooperation with the facility administrator and the local health officer, shall develop written policies and procedures to address the identification, treatment, control and follow-up management of communicable diseases. The policies and procedures shall address, but not be limited to:

- (a) intake health screening procedures;
- (b) identification of relevant symptoms;
- (c) referral for medical evaluation;
- (d) treatment responsibilities during detention;
- (e) coordination with public and private community-based resources for follow-up treatment;
- (f) applicable reporting requirements; and,
- (g) strategies for handling disease outbreaks.

The policies and procedures shall be updated as necessary to reflect communicable disease priorities identified by the local health officer and currently recommended public health interventions.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1411. Access to Treatment.**

The health administrator, in cooperation with the facility administrator, shall develop written policy and procedures to provide unimpeded access to health care.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1412. First Aid and Emergency Response.**

The health administrator/responsible physician, in cooperation with the facility administrator, shall establish facility-specific policies and procedures to assure access to first aid and emergency services.

- (a) First aid kits shall be available in designated areas of each juvenile facility.

- (b) The responsible physician shall approve the contents, number, location and procedure for periodic inspection of the kits.

Child supervision and health care staff shall be trained and written policies and procedures established to respond appropriately to emergencies requiring first aid.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1413. Individualized Treatment Plans.**

With the exception of special purpose juvenile halls, the health administrator/responsible physician, in cooperation with the facility administrator, shall develop policy and procedures to assure that health care treatment plans are developed for all minors who have received services for significant health care concerns.

- (a) Policies and procedures shall assure that health care treatment plans are considered in facility program planning.
- (b) Health care restrictions shall not limit participation of a minor in school, work assignments, exercise and other programs, beyond that which is necessary to protect the health of the minor or others.
- (c) Medical and mental health information shall be shared with child supervision staff in accordance with Section 1407 for purposes of programming, treatment planning and implementation.
- (d) Program planning shall include pre-release arrangements for continuing medical and mental health care, together with participation in relevant programs upon return into the community.

Policy and procedures shall require that any minor who is suspected or confirmed to be developmentally disabled is referred to the local Regional Center for the Developmentally Disabled for purposes of diagnosis and/or treatment within 24 hours of identification, excluding holidays and weekends.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1414. Health Clearance for In-Custody Work and Program Assignments.**

The health administrator/responsible physician, in cooperation with the facility administrator, shall develop health screening and monitoring procedures for work and program assignments that have health care implications, including, but not limited to, food handlers.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1415. Health Education.**

With the exception of special purpose juvenile halls, the health administrator for each juvenile facility, in cooperation with the facility administrator and the local health officer, shall



develop written policies and procedures to assure that age- and sex-appropriate health education and disease prevention programs are offered to minors.

The education program shall be updated as necessary to address current health priorities and meet the needs of the confined population.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1416. Reproductive Services.**

For all juvenile facilities, the health administrator, in cooperation with the facility administrator, shall develop written policies and procedures to assure that reproductive health services are available to both male and female minors.

Such services shall include but not be limited to those prescribed by Welfare and Institutions Code Sections 220, 221 and 222 and Health and Safety Code Section 123450.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1430. Intake Health Screening.**

The health administrator/responsible physician, in cooperation with the facility administrator and mental health director shall establish policies and procedures defining when a health evaluation and/or treatment shall be obtained prior to acceptance for booking. Policies and procedures shall also establish a documented intake health screening procedure to be conducted immediately upon entry to the facility.

- (a) The responsible physician shall establish criteria defining the types of apparent health conditions that would preclude acceptance of a minor into the facility without a documented medical clearance. The criteria shall be consistent with the facility's resources to safely hold the minor. At a minimum, such criteria shall provide:
  - (1) a minor who is unconscious shall not be accepted into a facility;
  - (2) minors who are known to have ingested or who appear to be under the influence of intoxicating substances shall be cleared in accordance with Section 1431;
  - (3) written documentation of the circumstances and reasons for requiring a medical clearance whenever a minor is not accepted for booking; and,
  - (4) written medical clearance shall be received prior to accepting any minor referred for a pre-booking treatment and clearance.
- (b) Procedures for an intake health screening shall consist of a defined, systematic inquiry and observation of every minor booked into the juvenile facility. The screening shall be conducted immediately upon entry to the facility and may be performed by either health care personnel or trained child supervision staff.
  - (1) Screening procedures shall address medical, dental and mental health concerns that may pose a hazard to the minor or others in the facility, as well as health conditions that require treatment while the minor is in the facility.

- (2) Any minor suspected to have a communicable disease that could pose a significant risk to others in the facility shall be separated from the general population pending the outcome of an evaluation by health care staff.
- (3) Procedures shall require timely referral for health care commensurate with the nature of any problems or complaint identified during the screening process.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1431. Intoxicated and Substance Abusing Minors.**

- (a) The responsible physician, in cooperation with the health administrator and the facility administrator, shall develop written policy and procedures that address the identification and management of alcohol and other drug intoxication in accordance with Section 1430.
- (b) Policy and procedures shall address:
  - (1) designated housing, including use of any protective environment for placement of intoxicated minors;
  - (2) symptoms or known history of ingestion that should prompt immediate referral for medical evaluation and treatment;
  - (3) determining when the minor is no longer considered intoxicated and documenting when the monitoring requirements of this regulation are discontinued;
  - (4) medical responses to minors experiencing intoxication or withdrawal reactions;
  - (5) management of pregnant minors who use alcohol or other drugs;
  - (6) initiation of substance abuse counseling during confinement and referral procedures for continuation upon release to the community consistent with Section 1413 and Section 1355; and,
  - (7) coordination with mental health services in cases of substance abusing minors with known or suspected mental illness.
- (c) A medical clearance shall be obtained prior to booking any minor who displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. Supervision of intoxicated minors who are cleared to be booked into a facility shall include monitoring by personal observation no less than once every 15 minutes until resolution of the intoxicated state. These observations shall be documented, with actual time of occurrence recorded. Medical staff, or child supervision staff operating pursuant to medical protocols, shall conduct a medical evaluation for all minors whose intoxicated behavior persists beyond six hours from the time of admission.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1432. Health Appraisals/Medical Examinations.**

The health administrator/responsible physician, in cooperation with the facility administrator for each juvenile hall, shall develop written policy and procedures for a health appraisal/medical examination of minors and for the timely identification of conditions necessary to safeguard the health of the minor.

- (a) The health appraisal/medical examination shall be completed within 96 hours of admission to the facility and result in a compilation of identified problems to be considered in classification, treatment, and the multi-disciplinary management of the minor while in custody and in pre-release planning. It shall be conducted in a location that protects the privacy of the minor and conducted by a physician, or other licensed or certified health professional working within his/her scope of practice and under the direction of a physician.
  - (1) At a minimum, the health evaluation shall include a health history, examination, laboratory and diagnostic testing, and necessary immunizations as outlined below:
    - (A) The health history includes: Review of the intake health screening, history of illnesses, operations, injuries, medications, allergies, immunizations, systems review, exposure to communicable diseases, family health history, habits (e.g., tobacco, alcohol and other drugs), developmental history (e.g., school, home, and peer relations), sexual activity, contraceptive methods, reproductive history, physical and sexual abuse, neglect, history of mental illness, self-injury, and suicidal ideation.
    - (B) The examination includes: Temperature, height, weight, pulse, blood pressure, appearance, gait, head and neck, a preliminary dental and visual acuity screening, gross hearing test, lymph nodes, chest and cardiovascular, breasts, abdomen, genital (pelvic and rectal examination, with consent, if clinically indicated), musculoskeletal, neurologic.
    - (C) Laboratory and diagnostic testing includes: Tuberculosis testing, together with pap smears and testing for sexually transmitted diseases for sexually active minors. Additional testing should be available as clinically indicated, including pregnancy testing, urinalysis, hemoglobin or hematocrit.
    - (D) Immunizations shall be verified and, within two weeks of the health appraisal/medical examination, a program shall be started to bring the minor's immunizations up-to-date in accordance with current public health guidelines.
  - (2) The health examination may be modified by the responsible physician, for minors admitted with an adequate examination done within the last 12 months, provided there is reason to believe that no substantial change would be expected since the last full evaluation. When this occurs, health care staff shall review the intake health screening form and conduct a face-to-face interview with the minor.
- (b) For adjudicated minors who are confined in any juvenile facility for successive stays, each of which totals less than 96 hours, the responsible physician shall establish a policy for a medical evaluation and clearance. If this evaluation and clearance cannot be completed at the facility during the initial stay, it shall be completed prior to acceptance at the facility. This evaluation and clearance shall include screening for tuberculosis.
- (c) For minors who are transferred juvenile facilities outside their detention system, the health administrator, in cooperation with the facility administrator, shall develop policy and procedures to assure that a health appraisal/medical examination:
  - (1) is received from the sending facility at or prior to the time of transfer;
  - (2) is reviewed by designated health care staff at the receiving facility; and,
  - (3) absent a previous appraisal/examination or receipt of the record, a health appraisal/medical examination, as outlined in this regulation, is completed on the minor within 96 hours of admission.
- (d) The responsible physician shall develop policy and procedures to assure that minors who are transferred among juvenile facilities within the same detention system, receive a

written health care clearance. The health appraisal/medical examination shall be reviewed and updated prior to transfer and forwarded to facilities that have licensed on-site health care staff.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1433. Requests for Health Care Services.**

The health administrator, in cooperation with the facility administrator, shall develop policy and procedures to establish a daily routine for minors to convey requests for emergency and non-emergency health care services.

- (a) There shall be opportunities for both written and verbal communications, including provision for minors who have language or literacy barriers.
- (b) Child supervision staff shall relay requests from the minor, initiate referrals when a need for health care services is observed, and advocate for the minor when the need for services appears to be urgent.
- (c) Designated staff shall inquire and make observations regarding the health of each minor on a daily basis and in the event of possible injury.
- (d) There shall be opportunities available on a twenty-four hour per day basis for minors and staff to communicate the need for emergency health care services.
- (e) Provision shall be made for any minor requesting health care attention, or observed to be in need of health care, to be given that attention by licensed or certified health care personnel.
- (f) All health care requests shall be documented and maintained.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1434. Consent for Health Care.**

The health administrator, in cooperation with the facility administrator, shall establish written policy and procedures to obtain informed consent for health care examinations and treatment.

- (a) All examinations, treatments, and procedures requiring verbal or written informed consent in the community also require that consent for confined minors.
- (b) There shall be provision for obtaining parental consent and obtaining authorization for health care services from the court when there is no parent/guardian or other person standing in loco parentis.
- (c) Policy and procedures shall be consistent with applicable statutes in those instances where the minor's consent for testing or treatment is sufficient or specifically required.
- (d) Conservators can provide consent only within limits of their court authorization.

Minors may refuse, verbally or in writing, non-emergency medical and mental health care.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1435. Dental Care.**

The health administrator, in cooperation with the facility administrator, shall develop written policy and procedures to require that dental treatment be provided to minors as necessary to respond to acute conditions and to avert adverse effects on the minor's health. Such treatment shall not be limited to extractions.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1436. Prostheses and Orthopedic Devices.**

- (a) The health administrator, in cooperation with the facility administrator and the responsible physician shall develop written policy and procedures regarding the provision, retention and removal of medical and dental prostheses, including eyeglasses and hearing aids.
- (b) Prostheses shall be provided when the health of the minor would otherwise be adversely affected, as determined by the responsible physician.
- (c) Procedures for retention and removal of prostheses shall comply with the requirements of Penal Code Section 2656.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1437. Mental Health Services and Transfer to a Treatment Facility.**

The health administrator/responsible physician, in cooperation with the mental health director and the facility administrator, shall establish policies and procedures to provide mental health services. These services shall include, but not be limited to:

- (a) screening for mental health problems at intake;
- (b) crisis intervention and the management of acute psychiatric episodes;
- (c) stabilization of persons with mental disorders and the prevention of psychiatric deterioration in the facility setting;
- (d) elective therapy services and preventive treatment where resources permit;
- (e) medication support services;
- (f) provision for timely referral, transportation, and admission to licensed mental health facilities, and follow-up for minors whose psychiatric needs exceed the treatment capability of the facility; and,
- (g) assurance that any minor who displays significant symptoms of severe depression, suicidal ideation, irrational, violent or self destructive behaviors, or who is receiving psychotropic medication shall be provided a mental status assessment by a licensed mental health clinician, psychologist, or psychiatrist.

Mentally disordered minors who appear to be a danger to themselves or others, or to be gravely disabled, shall be evaluated pursuant to Penal Code Section 4011.6 or Welfare and Institutions Code Section 6551. Absent an emergency, unless the juvenile facility has been designated as a Lanterman-Petris-Short (LPS) facility, and minors meet the criteria for involuntary commitment under the LPS Act in Welfare and Institutions Code Section 5000 et

seq., all services shall be provided on a voluntary basis. Voluntary mental health admissions may be sought pursuant to Penal Code Section 4011.8 or Welfare and Institutions Code Section 6552.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1438.      Pharmaceutical Management.**

For all juvenile facilities, the health administrator, in consultation with a pharmacist and in cooperation with the facility administrator, shall develop written policy, establish procedures, and provide space and accessories for the secure storage, controlled administration, and disposal of all legally obtained drugs.

- (a) Such policies, procedures, space and accessories shall include, but not be limited to, the following:
  - (1) securely lockable cabinets, closets, and refrigeration units;
  - (2) a means for the positive identification of the recipient of the prescribed medication;
  - (3) administration/delivery of medicines to minors as prescribed;
  - (4) confirmation that the recipient has ingested the medication;
  - (5) documenting that prescribed medications have or have not been administered, by whom, and if not, for what reason;
  - (6) prohibition of the delivery of medication from one minor to another;
  - (7) limitation to the length of time medication may be administered without further medical evaluation;
  - (8) the length of time allowable for a physician's signature on verbal orders;
  - (9) training for non-licensed personnel which includes, but is not limited to: delivery procedures and documentation; recognizing common symptoms and side-effects that should result in contacting health care staff for evaluation; procedures for consultation for confirming ingestion of medication; and, consultation with health care staff for monitoring the minor's response to medication; and,
  - (10) a written report shall be prepared by a pharmacist, no less than annually, on the status of pharmacy services in the institution. The pharmacist shall provide the report to the health authority and the facility administrator.
- (b) Consistent with pharmacy laws and regulations, the health administrator shall establish written protocols that limit the following functions to being performed by the identified personnel:
  - (1) Procurement shall be done only by a physician, dentist, pharmacist, or other persons authorized by law.
  - (2) Storage of medications shall assure that stock supplies of legend medications shall only be accessed by licensed health personnel. Supplies of legend medications that have been properly dispensed and supplies of over-the-counter medications may be accessed by both licensed and trained non-licensed personnel.
  - (3) Repackaging shall only be done by a physician, dentist, pharmacist, or other persons authorized by law.
  - (4) Preparation of labels can be done by a physician, dentist, pharmacist or other personnel, both licensed and trained non-licensed, provided the label is checked and affixed to the medication container by the physician, dentist, or pharmacist before

administration or delivery to the minor. Labels shall be prepared in accordance with Section 4047.5 of the Business and Professions Code.

- (5) Dispensing shall only be done by a physician, dentist, pharmacist, or other person authorized by law.
- (6) Administration of medication shall only be done by licensed health personnel who are authorized to administer medication and acting on the order of a prescriber.
- (7) Licensed and trained non-licensed personnel may deliver medication acting on the order of a prescriber.
- (8) Disposal of legend medication shall be done in accordance with pharmacy laws and regulations and requires any combination of two of the following classifications: physician, dentist, pharmacist, or registered nurse. Controlled substances shall be disposed of in accordance with Drug Enforcement Administration disposal procedures.
- (9) The responsible physician shall establish policies and procedures for managing and providing over-the-counter medications to minors.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1439. Psychotropic Medications.**

The health administrator/responsible physician, in cooperation with the mental health director and the facility administrator, shall develop written policies and procedures governing the use of voluntary and involuntary psychotropic medications.

- (a) These policies and procedures shall include, but not be limited to:
  - (1) protocols for physicians' written and verbal orders for psychotropic medications in dosages appropriate to the minor's need;
  - (2) requirements that verbal orders be entered in the minor's health record and signed by a physician within 72 hours;
  - (3) the length of time voluntary and involuntary medications may be ordered and administered before re-evaluation by a physician;
  - (4) provision that minors who are on psychotropic medications prescribed in the community are continued on their medications pending re-evaluation and further determination by a physician;
  - (5) provision that the necessity for continuation on psychotropic medications is addressed in pre-release planning and prior to transfer to another facility or program; and,
  - (6) provision for regular clinical/administrative review of utilization patterns for all psychotropic medications, including every emergency situation.
- (b) Psychotropic medications shall not be administered to a minor absent an emergency unless informed consent has been given by the legally authorized person or entity.
  - (1) Minors shall be informed of the expected benefits, potential side effects and alternatives to psychotropic medications.
  - (2) Absent an emergency, minors may refuse treatment.
- (c) Minors found by a physician to be a danger to themselves or others by reason of a mental disorder may be involuntarily given psychotropic medication immediately necessary for the preservation of life or the prevention of serious bodily harm, and when there is insufficient time to obtain consent from the parent, guardian, or court before the

threatened harm would occur. It is not necessary for harm to take place or become unavoidable prior to initiating treatment.

- (d) Assessment and diagnosis must support the administration of psychotropic medications. Administration of psychotropic medication is not allowed for disciplinary reasons.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1450. Suicide Prevention Program.**

The health administrator, in cooperation with the mental health director and the facility administrator, shall develop a written suicide prevention plan, with policies and procedures to train staff to identify minors who present a suicide risk, appropriately monitor their condition, and provide the necessary treatment and follow-up.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1452. Collection of Forensic Evidence.**

The health administrator, in cooperation with the facility administrator, shall establish policies and procedures assuring that forensic medical services, including drawing of blood alcohol samples, body cavity searches, and other functions for the purpose of prosecution are collected by appropriately trained medical personnel who are not responsible for providing ongoing health care to the minor.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1453. Sexual Assaults.**

The health administrator, in cooperation with the facility administrator, shall develop policy and procedures for treating victims of sexual assaults and for reporting such incidents to local law enforcement when they occur in the facility.

The evidentiary examination and initial treatment of victims of sexual assault shall be conducted at a health facility that is separate from the custodial facility and is properly equipped and staffed with personnel trained and experienced in such procedures.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1454. Participation in Research.**

The health administrator, in cooperation with the facility administrator, shall develop policy and procedures governing biomedical or behavioral research involving minors. Such research shall occur only when ethical, medical and legal standards for human research are met. Written policy and procedure shall require assurances for the safety of the minor and informed consent.



Participation shall not be a condition for obtaining privileges or other rewards in the facility. This regulation does not preclude the collection and analysis of routine facility data or use of Investigational New Drug protocols that are available in the community. Neither does it prohibit blind studies of disease prevalence performed under the auspices of the local health officer. The court, health administrator, and facility administrator shall be informed of all such proposed actions.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

## **ARTICLE 9. FOOD**

### **Section 1460. Frequency of Serving.**

Food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Supplemental food shall be offered to minors at the time of initial intake; shall be served to minors if more than 14 hours pass between meals; and shall be served to minors on medical diets as prescribed by the attending physician.

A minimum of twenty minutes shall be allowed for the actual consumption of each meal except for those minors on medical diets where the responsible physician has prescribed additional time.

Provisions shall be made for minors who may miss a regularly scheduled facility meal. They shall be provided with a substitute meal and beverage, and minors on medical diets shall be provided with their prescribed meal.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1461. Minimum Diet.**

The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 1989 Recommended Dietary Allowances (RDA) of the Food and Nutrition Board of the National Research Council, National Academy of Sciences; 2001 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies; the 1990 California Daily Food Guide, and the 2000 Dietary Guidelines for Americans. Facilities electing to provide vegetarian diets, and facilities that provide religious diets, shall also conform to these nutrition standards.

The nutritional requirements for the minimum diet are specified in the following subsections. Snacks may be included as part of the minimum diet. A wide variety of foods should be served and spices should be used to improve the taste and eye appeal of food served.

- (a) Protein Group. Includes: beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter, and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall equal two servings. In addition, there shall be a requirement to serve a third serving from the legumes three days a week. One serving equals, but is not limited to, one of the following examples:

- 2 to 3 oz. (without bone) lean, cooked meat, poultry or fish
- 2 medium eggs

1 cup cooked dry beans, peas, or lentils  
4 Tbsp. peanut butter  
8 oz. tofu  
2 1/4 oz. dry, or 1 cup rehydrated, canned, or frozen TVP  
1/2 cup seeds  
2/3 cup nuts

- (b) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat, 1% or 2% reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk, and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg of calcium. All milk shall be pasteurized and fortified with vitamins A and D. For persons 9-18 years of age, including pregnant and lactating women, the daily requirement is four servings.

One serving equals, but is not limited to, one of the following examples:

8 oz. fluid milk (nonfat, 1% or 2% reduced fat)  
1 1/2 oz. natural cheese  
2 oz. processed cheese  
1 1/2 cups of lowfat, or nonfat cottage cheese  
1 1/2 cups of ice milk, or ice cream  
1/3 cup nonfat dry milk  
1/2 cup nonfat, or lowfat evaporated milk  
1 cup nonfat, or lowfat plain yogurt  
1 cup pudding

- (c) Vegetable-Fruit Group. Includes: fresh, frozen, dried, and canned vegetables and fruits. One serving equals: 1/2 cup vegetable or fruit; 6 oz. of 100% juice; 1 medium apple, orange, banana, or potato; 1/2 grapefruit, or 1/4 cup dried fruit. The daily requirement shall be at least six servings; at least one serving shall be from each of the following three categories:

(1) One serving of a fresh fruit or vegetable.

(2) One serving of a Vitamin C source containing 30 mg. or more. One serving equals, but is not limited to, the following examples:

Broccoli	Orange juice
Brussels Sprouts	Potato (baked only)
Cabbage	Strawberries
Cantaloupe, or honeydew melon	Tangerine, large
Cauliflower	Tomato paste
Green and red peppers (not dehydrated)	Tomato puree
Greens collards including kale, turnip, and mustard greens	Tomato juice
Grapefruit	Tomato sauce (6 oz.)
Grapefruit juice	Vegetable juice cocktail
Orange	

(3) One serving of a Vitamin A source fruit or vegetable containing 200 micrograms Retinol Equivalents (RE) or more. One serving equals, but is not limited to, the following examples:

Apricot nectar (6 oz.)	Peas and carrots
Apricots	Pumpkin
Cantaloupe	Red peppers

Carrots	Sweet potatoes or yams
Greens, including kale, beets, chard, mustard, turnips, or spinach	Vegetable juice cocktail (6 oz.)
Mixed vegetables with carrots	Winter squash

(d) Grain Group. Includes: bread, rolls, pancakes, sweet rolls, ready-to-eat, or cooked cereals, corn bread, pasta, rice, tortillas, etc., and any food item containing whole or enriched grains. At least three servings from this group must be made with some whole grains. The daily requirement for minors shall be a minimum of six servings. One serving equals, but is not limited to, one of the following examples:

Bread, white (including French and Italian), whole wheat, rye, pumpernickel, or raisin	1 slice
Bagel, small	1/2
English muffin, small	1/2
Plain roll, muffin or biscuit	1
Frankfurter roll	1/2
Hamburger bun	1/2
Dry bread crumbs	3 Tbsp.
Crackers:	
Arrowroot	3
Graham, 2 1/2 "	2
Matzo, 4" x 6"	1/2
Oyster	20
Pretzels, 3 1/8" long, 1/8" diameter	25
Rye wafers, 2" x 3 1/2"	3
Soda, 2 1/2" sq.	6
Ready-to-eat unsweetened cereal	3/4 cup
Cereal, cooked	1/2 cup
Barley, couscous, grits, macaroni, noodles, pastas, rice, spaghetti, etc.	1/2 cup
Cornmeal, dry	2 Tbsp.
Flour (wheat, whole wheat, carob, soybean, cornmeal, etc.)	2 1/2 Tbsp.
Wheat germ	1/4 cup
Pancakes, 5"	1
Waffle, 5"	1
Tortilla, 6" (corn/flour)	1

The following are examples of whole grains and whole grain products:

Barley	Pumpernickel bread
Bran	Rolled oats
Brown rice	Rye
Corn meal	Whole grain
tortilla	bagels, muffins, and crackers,
	graham
baked taco/tostada shell	hot cereal
Cracked wheat (bulgur)	pancakes and waffles

Flour	ready-to-eat cereal
carob	Whole wheat
soybean	bread
whole wheat	rolls
Oatmeal	tortilla
Popcorn	

(e) Calories. The average daily caloric allowances shall be as follows: 2200 calories for females 11 to 18 years of age; 2500 to 3000 calories for males 11 to 18 years of age. The RDA allows for a plus or minus 20% of the recommended caloric intake.

(1) Providing only the minimum servings outlined earlier in this regulation is not sufficient to meet the minors' caloric requirements. Based on activity levels, additional servings from dairy, vegetable-fruit, and bread-cereal groups shall be provided in amounts to meet caloric requirements. Pregnant minors shall be provided with a supplemental snack, if medically indicated.

(2) In keeping with chronic disease prevention goals, total dietary fat should not exceed 30 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1462. Therapeutic Diets.**

Only the attending physician shall prescribe a therapeutic diet. The therapeutic diets utilized by a facility shall be planned, prepared, and served with the consultation of a registered dietitian. The facility manager shall comply with any therapeutic diet prescribed for a minor. Diet orders shall be maintained on file for at least one year.

The facility manager and responsible physician shall ensure that the therapeutic diet manual, with sample menus for therapeutic diets, shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the responsible physician shall approve the diet manual on an annual basis.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1463. Menus.**

Menus shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods considering the cultural and ethnic makeup of the facility, thus, preventing repetitive meals. Menus shall be approved by a registered dietitian before being used.

If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production worksheet.

Menus, as planned and including changes, shall be retained for one year and evaluated by a registered dietitian at least annually.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1464. Food Service Plan.**

Facilities shall have a written food service plan that shall comply with the applicable California Uniform Retail Food Facilities Law (CURFFL). In facilities with an average daily population of 50 or more, there shall be employed or available, a trained and experienced food services manager to prepare a written food service plan. In facilities of less than an average daily population of 50, that do not employ or have a food services manager available, the facility administrator shall prepare a written food service plan. The plan shall include, but not be limited to the following policies and procedures:

- (a) menu planning;
- (b) purchasing;
- (c) storage and inventory control;
- (d) food preparation;
- (e) food serving;
- (f) transporting food;
- (g) orientation and on-going training;
- (h) personnel supervision;
- (i) budgets and food costs accounting;
- (j) documentation and record keeping;
- (k) emergency feeding plan;
- (l) waste management; and,
- (m) maintenance and repair.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1465. Food Handlers Education and Monitoring.**

The facility administrator, in cooperation with the food services manager, shall develop and implement written procedures to ensure that supervisory staff and food handlers receive ongoing training in safe food handling techniques, including personal hygiene, in accordance with Section 114020 of the Health and Safety Code, California Uniform Retail Food Facilities Law. The procedures shall include provisions for monitoring compliance that ensure appropriate food handling and personal hygiene requirements.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1466. Kitchen Facilities, Sanitation, and Food Storage.**

Kitchen facilities, sanitation, and food preparation, service, and storage shall comply with standards set forth in Health and Safety Code, Division 104, Part 7, Chapter 4, Articles 1-8, Sections 113700 et seq. California Uniform Retail Food Facilities Law (CURFFL).

In facilities where minors prepare meals for self-consumption or where frozen meals or pre-prepared food from other permitted food facilities (see Health and Safety Code section 113920) are (re)heated and served, the following applicable CURFFL standards may be waived by the local health officer:

- (a) Section 114065, Equipment Standards;
- (b) Section 114090 (b) through (e) Dishwashing Equipment. If a domestic or commercial dishwasher, capable of providing heat to the surface of the utensils of a temperature of at least 165 degrees Fahrenheit, is used for the purpose of cleaning and sanitizing multi-service kitchen utensils and multi-service consumer utensils;
- (c) Section 114140 Ventilation except that, regardless of such a waiver, the facility shall provide mechanical ventilation sufficient to remove gases, odors, steam, heat, grease, vapors and smoke from the kitchen;
- (d) Section 114150 (a) Floors; and,
- (e) Section 114165 (b) Mop Sinks.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1467. Food Serving and Supervision.**

Policies and procedures shall be developed and implemented to ensure that appropriate work assignments are made and food handlers are adequately supervised. Food shall be prepared and served only under the immediate supervision of a staff member.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **ARTICLE 10. CLOTHING AND PERSONAL HYGIENE**

#### **Section 1480. Standard Facility Clothing Issue.**

The minor's personal clothing and footwear may be substituted for the institutional clothing and footwear specified in this regulation. The facility has the primary responsibility to provide clothing and footwear. Clothing provisions shall ensure that:

- (a) clothing is clean, reasonably fitted, durable, easily laundered, and in good repair; and
- (b) the standard issue of climatically suitable clothing for minors shall consist of but not be limited to:
  - (1) socks and serviceable footwear;
  - (2) outer garments; and,
  - (3) undergarments, that are freshly laundered and substantially free of stains, including shorts and tee shirts for males, and bra and panties for females.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1481. Special Clothing.**

Provision shall be made to issue suitable additional clothing essential for minors to perform special work assignments where the issue of regular clothing would be unsanitary or inappropriate.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1482. Clothing Exchange.**

The facility administrator shall develop written policies and procedures for the cleaning and scheduled exchange of clothing. Unless work, climatic conditions, or illness necessitates more frequent exchange, outer garments, except footwear, shall be exchanged at least once each week. Undergarments and socks shall be exchanged daily.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1483. Clothing, Bedding and Linen Supply.**

There shall be a quantity of clothing, bedding, and linen available for actual and replacement needs of the facility population. Each facility shall have a written procedure for acquisition, handling, storage, transportation and processing of clothing, bedding and linen in a clean and sanitary manner.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1484. Control of Vermin in Minors' Personal Clothing.**

There shall be written policies and procedures developed by the facility administrator to control the contamination and/or spread of vermin in all minors' personal clothing. Infested clothing shall be cleaned or stored in a closed container so as to eradicate or stop the spread of the vermin.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

**Section 1485. Issue of Personal Care Items.**

There shall be written policies and procedures developed by the facility administrator for the availability of personal hygiene items. Each female minor shall be provided with sanitary napkins and/or tampons as needed. Each minor to be held over 24 hours shall be provided with the following personal care items:

- (a) toothbrush;

- (b) dentifrice;
- (c) soap,
- (d) comb; and,
- (e) shaving implements.

Minors shall not be required to share any personal care items listed in items (a) through (d). Liquid soap provided through a common dispenser is permitted. Minors shall not share disposable razors. Double edged safety razors, electric razors, and other shaving instruments capable of breaking the skin, when shared among minors, shall be disinfected between individual uses by the method prescribed by the State Board of Barbering and Cosmetology in Sections 979 and 980, Chapter 9, Title 16, California Code of Regulations.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1486. Personal Hygiene.**

There shall be written policies and procedures developed by the facility administrator for showering/bathing and brushing of teeth. Minors shall be permitted to shower/bathe upon assignment to a housing unit and on a daily basis thereafter and given an opportunity to brush their teeth after each meal.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1487. Shaving.**

Minors shall be allowed to shave daily, unless their appearance must be maintained for reasons of identification in Court. The facility administrator may suspend this requirement in relation to minors who are considered to be a danger to themselves or others..

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

#### **Section 1488. Hair Care Services.**

Written policies and procedures shall be developed by the facility administrator to comply with Title 16, Chapter 9, Sections 979 and 980, California Code of Regulations. Hair care services shall be available in all juvenile facilities. Minors shall receive hair care services monthly. Equipment shall be cleaned and disinfected after each haircut or procedure, by a method approved by the State Board of Barbering and Cosmetology.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.



## **ARTICLE 11. BEDDING AND LINENS**

### **Section 1500. Standard Bedding and Linen Issue.**

Clean laundered, suitable bedding and linens, in good repair, shall be provided for each minor entering a living area who is expected to remain overnight, shall include, but not be limited to:

- (a) one mattress or mattress-pillow combination which meets the requirements of Section 1502 of these regulations;
- (b) one pillow and a pillow case unless provided for in (a) above;
- (c) one mattress cover and a sheet or two sheets;
- (d) one towel; and,
- (e) one blanket or more depending upon climatic conditions.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1501. Bedding and Linen Exchange.**

The facility administrator shall develop written policies and procedures for the scheduled exchange of laundered bedding and linen issued to each minor housed. Washable items such as sheets, mattress covers, pillow cases and towels shall be exchanged for clean replacement at least once each week.

The covering blanket shall be cleaned or laundered at least every three months.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1502. Mattresses.**

Any mattress issued to a minor in any facility shall conform to the size of the bed as referenced in Title 24, Section 460A.2.5 and be enclosed in an easily cleaned, non-absorbent ticking. Any mattress purchased for issue to a minor in a facility, which is locked to prevent unimpeded access to the outdoors, shall be certified by the manufacturer as meeting all requirements of the State Fire Marshal and Bureau of Home Furnishings test standard for penal mattresses, Technical Information Bulletin Number 121, dated April 1980.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

## **ARTICLE 12. FACILITY SANITATION AND SAFETY**

### **Section 1510. Facility Sanitation, Safety and Maintenance.**

The facility administrator shall develop written policies and procedures for the maintenance of an acceptable level of cleanliness, repair and safety throughout the facility. The plan shall provide for a regular schedule of housekeeping tasks, equipment and physical plant maintenance

and inspections to identify and correct unsanitary or unsafe conditions or work practices in a timely manner.

Medical care housing as described in Title 24, Section 13-201(c)6 shall be cleaned and sanitized according to policies and procedures as established by the health administrator.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

### **Section 1511. Smoke Free Environment.**

The facility administrator shall develop policies and procedures to assure that State laws prohibiting minors from smoking are enforced in all juvenile facilities, related work details, and other programs. Policies and procedures shall assure that minors are not exposed to second-hand smoke while in the facility or in the custody of staff.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.